

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Stephanie Warren,
Parent of Disabled Child Michael Warren

Plaintiff

Docket No.
07-Civ-09812 (JGK)

-against-

New York City Department of Education,

Defendant

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PLAINTIFF'S RESPONSE TO DEFENDANT'S RULE 56.1 STATEMENT

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Parent of Disabled Child Michael Warren

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**PLAINTIFF'S COUNTER
STATEMENT TO
DEFENDANT'S RULE 56.1
STATEMENT**

New York City Department of Education,

Defendant

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Plaintiff, by her attorneys, Tikhomirov & Roytblat, PLLC and Law Office of Timothy Mahoney, as and for her response to defendant's Rule 56.1 Statement, respectfully alleges as follows:

1. Admits the allegations set forth in paragraphs "1", "2", "3", "4", "5", "6", "7", "8", "10", "11", "12", "13", "14" "16", "17", "18", "19", "20", "22", "23", "24", "25" of defendant's Rule 56.1 Statement.
2. Denies the allegations set forth in paragraphs "9" and "15" of defendant's Rule 56.1 Statement and avers that plaintiff repeatedly informed the CSE on June 2, 2005, that the program recommendation of a special education class was not appropriate to meet Michael's needs; that Michael required additional remedial and academic instructions in order to make reasonable progress; and that the psycho-educational evaluation that was developed by the CSE and based on which the CSE made its program recommendation was improper and inaccurate. See Affidavit of Stephanie Warren ¶ 23, ¶ 24, ¶ 25, ¶ 47.

Dated: Brooklyn, New York
August 11, 2008

Respectfully submitted,


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-and-

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